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09/700,937	11/21/2000	Takio Ejima	KAMI-BN11	4522

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Price & Gess  
Suite 250  
2100 SE Main Street  
Irvine, CA 92614-6238

EXAMINER

LEE, EDMUND H

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 08/29/2002

*S*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/700,937

Applicant(s)

EJIMA ET AL.

Examiner

EDMUND H LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 and 33-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-32, 56 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

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### DETAILED ACTION

1. Applicant's election of claims 18-32 and 56-57 in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 1-17 and 33-55 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Robson (USPN 3624691). Robson teaches the claimed process including insert molding second cores on each of flexible first cores so as to be spaced from each other using a skeleton forming material, to thereby form a skeleton member including the first and second cores connected to each other (figs 1-5); insert molding a skin member on

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the skeleton member using a skin forming material (figs 1-5); and using skeleton forming material and skin forming material that are compatible (figs 1-5).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20-23, 25-26, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson (USPN 3624691). The above teachings of Robson are incorporated hereinafter. Robson also teaches forming a doll having a trunk, arms, and legs in which the skeleton member is embedded (figs 1-5); using a rigid synthetic resin for the skeleton forming material (col 2, ln 60-col 3, ln 32; figs 1-5); forming fixing shafts which extend from second cores to the surfaces of the doll (col 2, ln 60-col 3, ln 32; figs 1-5); arranging the skeleton member in a mold for molding the skin member, fixing the fixing shafts on the mating surfaces of the mold to stabilize the skeleton member and injecting the soft synthetic resin into the mold (col 2, ln 60-col 3, ln 32; figs 1-5); removing portions of the fixing shafts projecting from the surface of the doll after molding (col 2, ln 60-col 3, ln 32; figs 1-5); and molding a foot skeleton section incorporated in each of the legs; forming second cores at a place facing a joint with small projections (col 2, ln 60-col 3, ln 32; figs 1-5). Robson does not teach using the claimed material for the skeleton and skin member; treating marks left on the surface of the doll due to the removal of the projecting portions of the fixing shafts; treating by

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melting the surface of the doll; directly abutting a rear surface of a distal end of each of the second cores corresponding to the foot skeleton section against an inner surface of the molding spaces in the mold; and arranging the fixing shafts at a site at which an injection pressure of the soft resin is unstable. In regard to using the claimed material for the skeleton and skin member, such is a mere obvious matter of choice dependent on the material availability and the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, such materials are well-known in the molding art for their characteristics such as cost, strength, and flexibility. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed material in the process of Robson in order to produce a high quality doll. In regard to treating marks left on the surface of the doll due to the removal of the projecting portions of the fixing shafts, it is well-known in the molding art to finish a molded article in order to create a smooth article surface. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to treat/finish the surface of the doll roughened by the cutting of the fixing shafts in order to create a doll having a smooth surface. In regard to treating by melting the surface of the doll, such is a well-known method of finishing. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to finish the doll of Robson by melting in order to create a smooth and even doll surface. In regard to directly abutting a rear surface of a distal end of each of the second cores corresponding to the foot skeleton section against an inner surface of the molding spaces in the mold, such is a mere obvious

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matter of choice dependent on mold design and the desired final product. Further, it is well-known in the molding art to securely position a preform with a mold in order to prevent movement of the preform during a subsequent molding step. See US Class 264, subclass 275. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign the mold of Robson to securely hold the distal end of the foot of Robson in order to further prevent any movement of the skeleton during the insert molding of the skin. In regard to arranging the fixing shafts at a site at which an injection pressure of the soft resin is unstable, such is well-known in the molding art in order to ensure a high quality molded article. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the fixing shafts of Robson at the unstable sites in order to mold a high quality doll.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robson (USPN 3624691) as applied to claim 21 and further in view of Dahl (USPN 3284947). The above teachings of Robson are incorporated hereinafter. Robson also teaches molding a skeleton member having first cores arranged at sites in the doll corresponding to joints and second cores arranged at sites in the doll corresponding to distal ends thereof and position between joints adjacent to each other (col 2, ln 60-col 3, ln 32; figs 1-5); and molding a trunk from two vertical first cores (col 2, ln 60-col 3, ln 32; figs 1-5). However, Robson does not teach using a metal for the first cores; molding a trunk from three first cores; and having the outer two of the three first cores inwardly curved with respect to each other. Dahl teaches molding a doll having metal first cores

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(figs 1-2A); and arranging three first cores in the trunk (figs 1-2A). Robson and Dahl are combinable because they are analogous with respect to molding dolls. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use metal first cores and arrange three first cores in the trunk in process of Robson in order to create a more durable doll. In regard to arrangement the outer two first cores of the three first cores, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, such is well-known in the doll art in order to form a doll with a thin waist. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign the trunk of the doll of Robson (modified) to have the outer two first cores inwardly curved in order to create a doll having a thin waist.

9. Claims 27-29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson (USPN 3624691). In regard to claim 27, Robson teaches the basic claimed process including molding an elastic doll having a trunk, arms, and legs in which a skeleton member is embedded (col 2, ln 60-col 3, ln 32; figs 1-5); providing cores made of rigid synthetic resin to constitute the skeleton member wherein fixing shafts are formed to extend from the cores to a surface of the doll (col 2, ln 60-col 3, ln 32; figs 1-5); arranging the skeleton member in a mold and fixing the fixing shafts on mating surfaces of the mold to stabilize the skeleton member (col 2, ln 60-col 3, ln 32; figs 1-5); injecting soft synthetic resin into the mold (col 2, ln 60-col 3, ln 32; figs 1-5); and removing portions of the fixing shafts projecting from the surface of the doll after

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molding. However, Robson does not teach treating marks left on the surface of the doll due to the removal of the projecting portions of the fixing shafts. Such is well-known in the molding art to finish a molded article in order to create a smooth article surface.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to treat/finish the surface of the doll roughened by the cutting of the fixing shafts in order to create a doll having a smooth surface. In regard to claims 28-29 and 31-32, Robson teaches forming the cores at a place facing a joint with small projections (col 2, ln 60-col 3, ln 32; figs 1-5). However, Robson does not teach treating by melting the surface of the doll; directly abutting a rear surface of a distal end of each of the second cores corresponding to the foot skeleton section against an inner surface of the molding spaces in the mold; and arranging the fixing shafts at a site at which an injection pressure of the soft resin is unstable. In regard to treating by melting the surface of the doll, such is a well-known method of finishing. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to finish the doll of Robson by melting in order to create a smooth and even doll surface. In regard to directly abutting a rear surface of a distal end of each of the second cores corresponding to the foot skeleton section against an inner surface of the molding spaces in the mold, such is a mere obvious matter of choice dependent on mold design and the desired final product. Further, it is well-known in the molding art to securely position a preform with a mold in order to prevent movement of the preform during a subsequent molding step. See US Class 264, subclass 275. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign



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the mold of Robson to securely hold the distal end of the foot of Robson in order to further prevent any movement of the skeleton during the insert molding of the skin. In regard to arranging the fixing shafts at a site at which an injection pressure of the soft resin is unstable, such is well-known in the molding art in order to ensure a high quality molded article. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the fixing shafts of Robson at the unstable sites in order to mold a high quality doll.

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robson (USPN 3624691) as applied to claim 27 and further in view of Dahl (USPN 3284947). The above teachings of Robson are incorporated hereinafter. Robson also teaches molding a skeleton member having first cores arranged at sites in the doll corresponding to joints and second cores arranged at sites in the doll corresponding to distal ends thereof and position between joints adjacent to each other (col 2, ln 60-col 3, ln 32; figs 1-5); and molding a trunk from two vertical first cores (col 2, ln 60-col 3, ln 32; figs 1-5). However, Robson does not teach using a metal for the first cores; molding a trunk from three first cores; and having the outer two of the three first cores inwardly curved with respect to each other. Dahl teaches molding a doll having metal first cores (figs 1-2A); and arranging three first cores in the trunk (figs 1-2A). Robson and Dahl are combinable because they are analogous with respect to molding dolls. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use metal first cores and arrange three first cores in the trunk in process of Robson in order to create a more durable doll. In regard to arrangement the outer two first cores

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of the three first cores, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, such is well-known in the doll art in order to form a form a doll with a thin waist. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign the trunk of the doll of Robson (modified) to have the outer two first cores inwardly curved in order to create a doll having a thin waist.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herold (USPN 4068702) teaches melting fixing pins after an insert molding step. Shapero (USPN 4932919) teaches a doll having a thin waist determined by a skeleton.

12. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Edmund Lee whose telephone number is (703) 305-4019. The examiner can normally be reached on Monday-Wednesday and Friday from 8:00 AM to 4:00 PM. The fax number for Examiner Edmund Lee is (703) 872-9615

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh, can be reached on (703) 308-3829.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.


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EHL

August 26, 2002



Edmund Lee

8/26/02  
Patent Examiner, AU 1732